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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

**WATERWATCH OF OREGON,
NORTHWEST ENVIRONMENTAL
DEFENSE CENTER, and
WILDEARTH GUARDIANS,**

Case No.: 3:20-cv-413-HZ

Plaintiffs,

v.

**NOTICE OF VOLUNTARY
DISMISSAL: RULE 41(a)(1)(A)(i)**

**U.S. ARMY CORPS OF ENGINEERS
and R.D. JAMES, in his official capacity
as Assistant Secretary of the Army (Civil
Works),**

Federal Defendants,

and

**OREGON WATER UTILITY COUNCIL and
OREGON FARM BUREAU FEDERATION,**

Intervenors-Defendants.

NOTICE OF VOLUNTARY DISMISSAL

NOTICE OF VOLUNTARY DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs hereby voluntarily dismiss this case without prejudice.¹ Plaintiffs have received much of the practical relief sought in their Complaint through the modifications made to the Army Corps of Engineers' reallocation plan. *See* ECF No. 48 at 1. For that reason, Plaintiffs have decided not to pursue this litigation any further and voluntarily dismiss the case.

Although this notice deprives this Court of jurisdiction to address the merits of this case, *Am. Soccer Co., Inc. v. Score First Enters.*, 187 F.3d 1108, 1112 (9th Cir. 1999), this Court "may consider collateral issues after [this] action is no longer pending." *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 395 (1990). In particular, this Court may consider a request for attorney's fees submitted by Plaintiffs. *Id.*; 16 U.S.C. § 1540(g)(4); Fed. R. Civ. P. 54(d).

Dated: January 22, 2021

Respectfully submitted,

/s/ Andrew R. Missel

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¹ Plaintiffs retain the right to voluntarily dismiss this case without prejudice through notice because no party has filed an answer or a motion for summary judgment. *See, e.g., Am. Soccer Co., Inc. v. Score First Enters.*, 187 F.3d 1108, 1111–12 (9th Cir. 1999). Intervenor-Defendant Oregon Farm Bureau Federation filed a *proposed* answer along with its motion to intervene, *see* ECF No. 28-1, but never filed a final answer, and the other parties have not filed answers.